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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,383	08/13/2001	Hideo Harada	33869	9480
116	7590	06/30/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			ENG, GEORGE	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,383

Applicant(s)

HARADA ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 3/17/2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminura (JP 07-154761A) in view of Watanabe et al. (US PAT. 6,344,907 hereinafter Watanabe).

Regarding claim 1, Kaminura discloses a video output device comprising a camera (1, figure 1) inherently comprising image pickup means for picking up a photogenic subject and generating a pickup signal, and pickup signal processing means for processing the pickup signal and outputting a pickup image signal, processing means (3, figure 2) which subjects the pickup image signal to an image modification processing to produce a modified image signal for protect a portrait right, image signal selection means (2, figure 1) for selecting one of the pickup image signal from the pickup signal processing means and a modified image signal from the image modification means depending upon a switch control part (32, figure 2), and communication

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means (5, figure 1) for transmitting an output image form the image signal selection means (abstract and detailed description). Note while Kaminura teaches the image modification processing for changing the degree of processing the original image so as not to correctly discriminate the original image (abstract). It recognizes to apply different image modifications including one or more of defocusing processing, deforming processing, resolution reducing processing, tone resolution processing, diffusing image processing, transverse blurring processing, and contour extracting processing. Kaminura differs from the claimed invention in not specifically teaching of utilizing processing means including a microprocessor for executing an image modification program for implementing one or more image modification processing techniques. However, Watanabe teaches an image modification apparatus comprising a processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques (col. 14 line 40 through col. 15 line 61), in order to obtain a modified image with comparative ease. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kaminura in having the microprocessor for executing the image modification program for implementing one or more image modification processing techniques, as per teaching of Watanabe, in order to obtain a modified image with comparative ease.

Regarding claims 2-3, Kaminura teaches to select and output the modified image signal form the image modification processing means based on instruction of the switch control part, which the switch control part is being controlled by an originating party, i.e., a calling party (abstract) so that it recognizes the video output device being capable of outputting the modified image signal from the image modification processing means at a time of staring communication

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and outputting the image signal from the pickup signal processing means in response to confirmation of called party (detailed description).

Regarding claims 6-7, Kaminura teaches to perform a resolution reducing processing for reducing a resolution of the pickup image signal (abstract).

Regarding claim 8, Kaminura discloses a video output device comprising a camera (1, figure 1) inherently comprising image pickup means for picking up a photogenic subject and generating a pickup signal, and pickup signal processing means for processing the pickup signal and outputting a pickup image signal, image modification processing means (3, figure 2) which subjects the pickup image signal to an image modification processing for protect a portrait right, image signal selection means (2, figure 1) for selecting one of the pickup image signal from the pickup signal processing means and a modified image signal form the image modification means depending upon a switch control part (32, figure 2), and communication means (5, figure 1) for transmitting an output image form the image signal selection means (abstract and detailed description). Note while Kaminura teaches the image modification processing for changing the degree of processing the original image so as not to correctly discriminate the original image (abstract). It recognizes to apply different image modifications including one or more of defocusing processing, deforming processing, resolution reducing processing, tone resolution processing, diffusing image processing, transverse blurring processing, and contour extracting processing in order to make user friendly in providing variety image modifications processes to protect the privacy of the image pickup object. Kaminura differs from the claimed invention in not specifically teaching image modification processing means for executing an image modification program for implementing one or more image modification processing techniques.

However, Watanabe teaches an image modification apparatus comprising a processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques (col. 14 line 40 through col. 15 line 61), in order to obtain a modified image with comparative ease. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kaminura in having the image modification processing means for executing the image modification program for implementing one or more image modification processing techniques, as per teaching of Watanabe, in order to obtain a modified image with comparative ease.

Regarding claims 9-10, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 11, Kaminura discloses a video output device comprising a camera (1, figure 1) inherently comprising image pickup means for picking up a photogenic subject and generating a pickup signal, and pickup signal processing means for processing the pickup signal and outputting a pickup image signal, image modification processing means (3, figure 2) which subjects the pickup image signal to an image modification processing for protect a portrait right, image signal selection means (2, figure 1) for selecting one of the pickup image signal from the pickup signal processing means and a modified image signal form the image modification means depending upon a switch control part (32, figure 2), and communication means (5, figure 1) for transmitting an output image form the image signal selection means (abstract and detailed description). Note while Kaminura teaches the image modification processing for changing the degree of processing the original image so as not to correctly discriminate the original image (abstract) so that it recognizes the image modifications process for placing an image based on the

pickup image signal in a defocused state in order to protect the privacy of the image pickup object. Kaminura differs from the claimed invention in not specifically teaching image modification processing means for executing an image modification program for implementing one or more image modification processing techniques. However, Watanabe teaches an image modification apparatus comprising a processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques (col. 14 line 40 through col. 15 line 61), in order to obtain a modified image with comparative ease. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kaminura in having the image modification processing means for executing the image modification program for implementing one or more image modification processing techniques, as per teaching of Watanabe, in order to obtain a modified image with comparative ease.

Regarding claims 12-13, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 14, Kaminura discloses a video output device comprising a camera (1, figure 1) inherently comprising image pickup means for picking up a photogenic subject and generating a pickup signal, and pickup signal processing means for processing the pickup signal and outputting a pickup image signal, image modification processing means (3, figure 2) which subjects the pickup image signal to an image modification processing for protect a portrait right, image signal selection means (2, figure 1) for selecting one of the pickup image signal from the pickup signal processing means and a modified image signal form the image modification means depending upon a switch control part (32, figure 2), and communication means (5, figure 1) for

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transmitting an output image from the image signal selection means (abstract and detailed description). Note while Kaminura teaches the image modification processing for changing the degree of processing the original image so as not to correctly discriminate the original image (abstract) so that it recognizes the image modifications process for converting two dimensional position information of pixels in the pickup image signal at an arbitrary ratio in order to protect the privacy of the image pickup object. Kaminura differs from the claimed invention in not specifically teaching image modification processing means for executing an image modification program for implementing one or more image modification processing techniques. However, Watanabe teaches an image modification apparatus comprising a processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques (col. 14 line 40 through col. 15 line 61), in order to obtain a modified image with comparative ease. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kaminura in having the image modification processing means for executing the image modification program for implementing one or more image modification processing techniques, as per teaching of Watanabe, in order to obtain a modified image with comparative ease.

Regarding claims 15-16, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 17, Kaminura discloses a video output device comprising a camera (1, figure 1) inherently comprising image pickup means for picking up a photogenic subject and generating a pickup signal, and pickup signal processing means for processing the pickup signal and outputting a pickup image signal, image modification processing means (3, figure 2) which

subjects the pickup image signal to an image modification processing for protect a portrait right, image signal selection means (2, figure 1) for selecting one of the pickup image signal from the pickup signal processing means and a modified image signal form the image modification means depending upon a switch control part (32, figure 2), and communication means (5, figure 1) for transmitting an output image form the image signal selection means (abstract and detailed description). Note while Kaminura teaches the image modification processing for changing the degree of processing the original image so as not to correctly discriminate the original image (abstract) so that it recognizes the image modifications process for reducing a resolution of the pickup image signal in order to protect the privacy of the image pickup object. Kaminura differs from the claimed invention in not specifically teaching image modification processing means for executing an image modification program for implementing one or more image modification processing techniques. However, Watanabe teaches an image modification apparatus comprising a processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques (col. 14 line 40 through col. 15 line 61), in order to obtain a modified image with comparative ease. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kaminura in having the image modification processing means for executing the image modification program for implementing one or more image modification processing techniques, as per teaching of Watanabe, in order to obtain a modified image with comparative ease.

Regarding claims 18-19, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 20, Kaminura discloses a video output device comprising a camera (1, figure 1) inherently comprising image pickup means for picking up a photogenic subject and generating a pickup signal, and pickup signal processing means for processing the pickup signal and outputting a pickup image signal, image modification processing means (3, figure 2) which subjects the pickup image signal to an image modification processing for protect a portrait right, image signal selection means (2, figure 1) for selecting one of the pickup image signal from the pickup signal processing means and a modified image signal form the image modification means depending upon a switch control part (32, figure 2), and communication means (5, figure 1) for transmitting an output image form the image signal selection means (abstract and detailed description). Note while Kaminura teaches the image modification processing for changing the degree of processing the original image so as not to correctly discriminate the original image (abstract) so that it recognizes the image modifications process for reducing a tone resolution of the pickup image signal in order to protect the privacy of the image pickup object. Kaminura differs from the claimed invention in not specifically teaching image modification processing means for executing an image modification program for implementing one or more image modification processing techniques. However, Watanabe teaches an image modification apparatus comprising a processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques (col. 14 line 40 through col. 15 line 61), in order to obtain a modified image with comparative ease. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kaminura in having the image modification processing means for executing the image modification program for implementing

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one or more image modification processing techniques, as per teaching of Watanabe, in order to obtain a modified image with comparative ease.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claims 23-25, Kaminura teaches the control section (3, figure 2) for controlling a switching control section (32, figure 2) to perform image modification processing so that the control section obviously including a multipurpose CPU or a digital signal processing in order to control the switch control section to perform image modification processing.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminura (JP 07-154761A) in view of Watanabe et al. (US PAT. 6,344,907 hereinafter Watanabe) as applied in claim 1 above, and further in view of Hiroaki (US PAT. 5,786,846).

Regarding claims 4-5, the combination of Kaminura and Watanabe differs from the claimed invention in not specifically teaching to perform a defocusing processing for placing an image based on the image pickup image signal in a defocused state or to perform a deforming processing for converting two-dimensional for converting two-dimensional positional information of pixels in the pickup image signal at an arbitrary ratio. However, Hiroaki teaches a video processing for indicating user's deviation capable to perform deforming processing or defocusing processing (i.e., enlarging/reducing image size, cutting display part, changing brightness or hue of color), thereby improves security and protects privacy. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kaminura and Watanabe in performing the defocusing processing, as

well as the deforming processing, as per teaching of Hirokai, because it improves security and protects privacy.

Response to Arguments

5. Applicant's arguments filed 3/17/2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that Watanabe fails to teach a processing means including a microprocessor for executing an image modification program for protecting a portrait right, it is noted that Kaminura clearly teaches processing means (3, figure 2) which subjects the pickup image signal to an image modification processing to produce a modified image signal for protect a portrait right, and the use of Watanabe is merely for teaching of utilizing a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques, in order to obtain a modified image with comparative ease way (col. 14 line 40 through col. 15 line 61). Thus, the combination of Kaminura and Watanabe teaches the claimed limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

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suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation of modifying Kaminura with the processing of Watanabe is to obtain a modified image with comparative ease way.

In response to applicant's argument the combination of Kaminura and Watanabe would not add any capability to protect a portrait right by executing a program, it is noted that the execution of the program is merely for modifying image, and the objective of using the modified image for communication is to protect a portrait right. Thus, Applicant's assertion of executing the program to protect the portrait right is misleading. In addition, Kaminura clearly teaches processing means (3, figure 2) which subjects the pickup image signal to an image modification processing to produce a modified image signal for protect a portrait right, and Watanabe teaches processing means including a microprocessor (20, figure 2) for executing a program stored in a memory (25, figure 2) to implement one or more image modification processing techniques, in order to obtain a modified image with comparative ease way. Thus, the combination of Kaminura and Watanabe teaches the claimed limitations.

In response to applicant's argument that Kaminura fails to suggest to select and output the pickup image signal in response to an operational instruction from and/or confirmation of authentication of a partner side of a calling party, it is noted that Kaminura clearly discloses the image processing approach setup and a control section (3, figure 2) located in an originating side, i.e., calling side, for allowing a user, i.e., a calling party, to select and output the pickup image signal received from a camera (1, figure 2). Thus, one skill in the art would recognize Kaminura

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teaching to select and output the pickup image signal in response to the operational instruction from and/or confirmation of authentication of a partner side of a calling party.

In response to applicant's argument that Kaminura does not specifically teach resolution reducing processing capability and tone resolution reducing processing. It is noted that Kaminura clearly teaches to set GND level to an output of A/D converter (21, figure 1) in order to modify the image (abstract) so that one skill in the art would recognize Kaminura teaching resolution reducing processing capability and tone resolution reducing processing for modifying the image as the switch corresponding to the AND gate connected to which bit of the A/D converter (abstract). Thus, the combination of Kaminura and Watanabe is enough to reject the claimed limitations.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

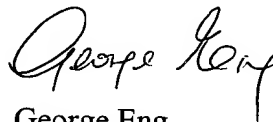
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
Art Unit 2643